

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALASKA ELECTRICAL PENSION FUND,	:	No. 14-cv-7126 (JMF)
on Behalf of Itself and All Others Similarly	:	
Situated,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
BANK OF AMERICA CORP., <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

USDC SDNY
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<b>DATE FILED: 10/06/2014</b>

THE COUNTY OF BEAVER, on Behalf of	:	No. 14-cv-7907 (JMF)
Itself and All Others Similarly Situated,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
BANK OF AMERICA CORP., <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

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x

**STIPULATION AND [REPROPOSED] ORDER REGARDING  
SERVICE AND SUBSTITUTION OF PARTY**

WHEREAS, on September 4th, 2014, plaintiff Alaska Electrical Pension Fund (“Alaska Electrical”) filed a complaint (the “*Alaska Electrical Complaint*”) in one of the above-captioned actions (the “*Alaska Electrical Action*”) against certain defendants (the “*Alaska Electrical Defendants*”);

WHEREAS, on September 30, 2014, plaintiff The County of Beaver (“Beaver County,” and together with Alaska Electrical, “Plaintiffs”) filed a complaint (the “*Beaver County Complaint*,” and together with the *Alaska Electrical Complaint*, the “*Complaints*”) in one of the above-captioned actions (the “*Beaver County Action*,” and together with the *Alaska Electrical*

Action, the “Related Actions”) against certain defendants (the “*Beaver County Defendants*” and, together with the *Alaska Electrical* Defendants, “Defendants”); and

WHEREAS, both Complaints name as a Defendant ICAP plc; and

WHEREAS, counsel for Plaintiffs and counsel for ICAP Capital Markets LLC (“ICAP Capital”) have conferred and have agreed to substitute ICAP Capital as a Defendant in place of ICAP plc in both of the Related Actions;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among Plaintiffs and ICAP Capital, by their respective counsel of record, as follows:

1. Plaintiffs hereby voluntarily dismiss without prejudice ICAP plc as a Defendant in both of the Related Actions pursuant to Fed. R. Civ. P. 41(a).

2. ICAP Capital is hereby substituted, *nunc pro tunc*, for ICAP plc in both of the Related Actions. The captions of both Related Actions shall be amended to reflect this substitution.

3. Undersigned counsel for ICAP Capital agrees to accept service of process on behalf of ICAP Capital.

4. Except as explicitly provided herein, this stipulation in no way constitutes any prejudice to or waiver of any defense by any Defendant, including ICAP plc, in the Related Actions, including without limitation, service or defenses based upon lack of personal jurisdiction. The executing, agreeing to, joining, or filing this Stipulation by counsel for ICAP Capital does not constitute an appearance on behalf of ICAP plc.

IT IS SO STIPULATED.

DATED: October 3, 2014

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DATED: October 3, 2014

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Attorneys for ICAP Capital Markets LLC

IT IS SO ORDERED.

DATED: October 6, 2014



THE HONORABLE JESSE M. FURMAN  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK